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EXAMINER

BROWN, VERNAL U

ART UNIT PAPER NUMBER

2635

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/481,512

Applicant(s)

ZONDERVAN, QUINTON YVES

Examiner

Vernal U Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 9,12,14, and 21-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9,12,14 and 21-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This action is responsive to amendment filed December 7, 2002.

#### ***Response to Amendment***

The examiner has acknowledged the cancellation of claims 1-8, 10, 11, 13 and 15-20, the amended claims 9, 12, and 14, and the addition of claims 21-45.

#### ***Response to Arguments***

Applicant's arguments filed December 7, 2000 have been fully considered but they are not persuasive.

Regarding applicant argument concerning modifying the presentation format of the electronic message from the first message presentation format to a modified message presentation format, Pepe et al. teaches a method for managing communications of electronic messages between at least two terminal (figure 1) comprising different terminal devices such as cell phone (32), pager (34), telephone (26), and fax machine (24). Each of these terminal devices inherently transmits and receives messages in different formats. Pepe et al. also teaches converting text messages to synthesized speech (col. 35 lines 24-26). Pepe et al. further define media type as email, fax, etc (col. 6 lines 7-8). Translation of media type such as email to fax includes modifying the presentation format.

Regarding applicant's argument concerning "modified message presentation format specified by the user", Pepe et al. teaches that the subscriber provides the network with message routing and delivery instructions and that the instructions are store in a subscriber profile (col. 6 lines 22-24). The presentation format is considered controlled by the user by selecting the delivery option of the message as specified by the user's profile.

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Regarding applicant's argument concerning the modified message presentation corresponds to a type of terminal device other than the first terminal device, Pepe et al. teaches the transmission of a message from one terminal device to a different terminal device (figure 1). Therefore the presentation format corresponds to a type of terminal other than the first terminal device.

Regarding applicant's argument concerning claim 43, Pepe et al. teaches sending messages between different terminal devices such as cell phone (32), pager (34), telephone (26), and fax machine (24). Each of these terminal devices inherently transmits and receives messages in different formats. Pepe et al. further teaches a media conversion to allow, for instance, an email message to be delivered to a fax server (col. 6 lines 3-5). An email delivers to a fax machine (second device) automatically appears as if it originates from a fax machine instead of a computer (first device for sending the email).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 12, 21-45, are rejected under 35 U.S.C. 102(b) as being anticipated by Pepe et al. U.S Patent 5742905.

Regarding claim 9, Pepe et al. teaches a method for managing communications of electronic messages between at least two terminal (figure 1) comprising different terminal devices such as cell phone (32), pager (34), telephone (26), and fax machine (24). Each of these terminal devices inherently transmits and receives messages in different formats. Pepe et al. teaches the subscriber selects the wireline or wireless network and media format to be used for delivering messages (col. 6 lines 1-3), therefore the method of managing of the electronic message from the first presentation format (format of the sending terminal) to sending the modified message to the second terminal (receiving).

Regarding claim 12, Pepe et al. teaches that the subscriber provides the network with message routing and delivery instructions and that the instructions are store in a subscriber profile (col. 6 lines 22-24).

Regarding claim 21, Pepe et al. teaches an integrated messaging system (figure 3) comprising different terminal devices such as cell phone (32), pager (34), telephone (26), and fax machine (24). Each of these terminal devices inherently transmits and receives messages in different formats. The integrated messaging system further comprises a server system (col. 4 lines 38-40) that receives electronic messages sent from one of the terminal devices and modifies the electronic message to appear as though sent by the other terminal device.

Regarding claims 22-24, Pepe et al. the integrated messaging system (figure 1) shows devices such as a fax machine sending messages to other devices such as a pager. The

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presentation format of these devices are different therefore the modified message presentation format is different from the first message presentation format.

Regarding claims 25 and 38, Pepe et al. teaches the user profile controls the delivery of outgoing messages and the delivery of incoming messages (col. 6 lines 23-27). The message presentation format is therefore specified by the user profile (user of the first terminal).

Regarding claim 26-28, Pepe et al. teaches the transmission of a message from one terminal device to a different terminal device (figure 1). Therefore the presentation format corresponds to a type of terminal other than the first terminal device.

Regarding claim 29 and 39, Pepe et al. teaches the user profile controls the delivery of incoming messages (col. 6 lines 25-27). This is understood to mean that the user receiving a message determines the presentation format of the message.

Regarding claim 30, Pepe et al. teaches a first terminal device is a wireless terminal device (32).

Regarding claim 31, Pepe et al. teaches the wireless device is a pager (34).

Regarding claim 32, Pepe et al. teaches electronic message transmitted to the wireless terminal by performing a summary function on the electronic message (col. 20 lines 13-14). The scripting agent serves the function of translating one message format to another therefore the summary function is inherently performed by the scripting agent.

Regarding claim 33, Pepe et al. teaches that the subscriber provides the network with message routing and delivery instructions and that the instructions are store in a subscriber profile (col. 6 lines 22-24). Pepe et al further teaches the electronic message transmitted to the wireless terminal by performing a summary function on the electronic message (col. 20 lines 13-

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14). The scripting agent serves the function of translating one message format to another therefore the summary function is inherently performed by the scripting agent.

Regarding claim 34, Pepe et al. teaches a scripting agent (154) that convert text to speech (col. 10 lines 14-16) and a user profile (col. 6 lines 22-24). Pepe et al. further teaches the use of header information to send notification message to the subscriber (col. 27 lines 43-45).

Regarding claim 35, Pepe et al. teaches the user selects the formats used for delivering messages (col. 6 lines 1-3). The presentation format of the received electronic message is therefore allowed to be of the same format as that of the sending device.

Regarding claim 36, Pepe et al. teaches electronic message transmitted to the wireless terminal by performing a summary function on the electronic message (col. 20 lines 13-14). The scripting agent serves the function of translating one message format to another therefore the summary function is inherently performed by the scripting agent.

Regarding claim 37, a server system operable in an integrated messaging system (figure 5) for facilitating communications between a first terminal device and a second terminal device (figure 1). Pepe et al. teaches the terminal devices includes devices such as cell phone (32), pager (34), telephone (26), and fax machine (24). Each of these terminal devices inherently transmits and receives messages in different formats. Pepe et al. further teaches modules such as a PDA/PCI interface (col. 4 lines 53-55) that receive an electronic message, modules that modify a format of the electronic message from a first presentation format to a second format (e.g text to fax, col. 8 lines 47-48) as specified by the user profile (col. 8 lines 45-46). Pepe et al. further teaches a module that sends the electronic message in the modified message formation to the second terminal device (col. 10 lines 59-61).

Regarding claim 40-42, Pepe et al. teaches the transmission of a message from one terminal device to a different terminal device (figure 1). Therefore the presentation format corresponds to a type of terminal other than the first terminal device.

Regarding claim 43, Pepe et al. teaches sending messages between different terminal devices such as cell phone (32), pager (34), telephone (26), and fax machine (24). Each of these terminal devices inherently transmits and receives messages in different formats. Pepe et al. further teaches a media conversion to allow, for instance, an email message to be delivered to a fax server (col. 6 lines 3-5). An email delivers to a fax machine (second device) automatically appears as if it originates from a fax machine instead of a computer (first device for sending the email).

Regarding claim 44, Pepe et al. teaches a first terminal device is a wireless terminal device (32).

Regarding claim 45, Pepe et al. teaches the wireless device is a pager (34).

Claims 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Krishan et al. U.S Patent 5822692.

Regarding claim 14, by Krishan et al. teaches a computer usable medium having computer readable program code for managing communication of an electronic message between at least two terminal devices (col. 2 lines 36-41). Krishan et al. also teaches that the computer usable medium has email and pager circuitry (col. 2 line 48) that is therefore capable of accommodating a computer as a terminal device for displaying the email and a wireless terminal



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device (pager). These terminal devices both have a different message format from each other.

The computer readable code comprises computer code for causing a computer system to receive the electronic message from a sending terminal device format (col. 2 lines 57-58), computer code for causing a computer system to modify the sending terminal device format to a receiving terminal device format (col. 5 lines 15-20).

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-F, 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6743 for regular communications and 703-308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

  
Vernal Brown  
January 28, 2003

MICHAEL HORABIK  
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